DOCUMENT RESUME

ED 091 972 HE 005 528

AUTHOR Martin, Harold C.
TITLE The Board of Trustees and the Making of Academic Policy.
PUB DATE 5 Mar 74
NOTE 16p.; Speech presented at the 10th Annual Conference on the Leadership Role of The Trustee, March 5, 1974, New York

EDRS PRICE MF-$0.75 HC-$1.50 PLUS POSTAGE
DESCRIPTORS Administrative Personnel; Administrator Role; *Chief Administrators; *Educational Administration; *Governing Boards; *Higher Education; Speeches; *Trustees

ABSTRACT

Speaking in his capacity as trustee, the author deals with the role of trustees in academic decisionmaking. He emphasizes the pivotal nature of that role, arguing that because the institution's basic activity is public business, the management of it must clearly link reasonability with public accountability. He supports the prevailing faculty view that trustees have little business in the classrooms. He suggests that one function of the trustees should be to bring a broad experience of the world to bear on academic decisionmaking. At the same time, however, the businessman-trustee should recognize that there are special elements in academic life that may require some specialized experience as well. The board can make itself felt most effectively in academic matters by focusing its attention on people, on a responsible concern for the nature and welfare of the faculty body. Finally, trustees should also take the trouble to keep themselves informed about broad issues in education and about affairs of their own institutions. (Author/PG)

ED 091972

THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK

TENTH ANNUAL CONFERENCE
ON
THE LEADERSHIP ROLE OF THE TRUSTEE

New York Hilton Hotel
Tuesday, March 5, 1974

An Address By:

Harold C. Martin
President, Union College
Chancellor, Union University

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

HE 005 528

Harold C. Martin
President, Union College
Chancellor, Union University

Tenth Annual Regents Conference
New York City
March 5, 1974

The Board of Trustees and the Making of Academic Policy

The topic Professor Brown and I have been invited to discuss is perennially explosive, and I note that each of us comes equipped with a coat of mail. Professor Brown is protected by statutes and judicial opinions. I am protected by a letter of resignation, signed and accepted ten months ago. The fact that he has been asked to represent the faculty view point and I, to represent that of trustees appears to indicate someone's hope that an adversary situation will develop. On that count, Professor Brown has the advantage of being a lawyer and of speaking first. But I have an advantage, too: the jury is full of trustees and there isn't any judge.

By the average college and university faculty body -- each uniquely average, of course -- trustees are most admired for generous passivity. Yet faculties do not really want a Board of Trustees full of ninnies. Universally they would welcome, I am sure, men and women of distinction if they could only be confident that distinction would be accompanied by wisdom and that wisdom would be what faculties think it to be. In their view, the academic business of the college or university is their business, and who can blame them for wanting to run it?

In fact, however -- as my colleague has graciously acknowledged (I put that in without knowing in advance whether or not he would, but knowing that he should) -- the business, even the academic business, of a college or university is faculty business only in a narrow sense. It is fundamentally public business, whether the college or university is private or public; and because it is public business, the management of it must clearly link responsibility with public accountability.

Now the focus of this discussion is designedly narrow: it is meant to catch

the issue where conflict is sharpest, exactly where action by trustees may most readily provoke the cry of "Foul" from faculty. By and large, academic people think and care little about many matters which must be of concern to trustees -- investments, fund-raising, public relations, even long-range planning. They want only to feel secure about academic program and their own independence and about other matters in proportion as they reinforce and support those two concerns. On those matters they believe that the first and final word belongs to them -- should belong to them, at any rate. They are, after all, the experts. The surgeon does not permit laymen to supervise his operating theatre; the priest does not invite vestrymen into the confessional; why should faculty members tolerate direction from merchants, bankers, and lawyers?

The analogies are not perfect, but they have some merit. In the lecture hall, the seminar room, the laboratory, the professorial study there is no proper place for trustees. All that is said or written in those places may not be true or just; some of what is said or written may be rubbish; and some is certain to be offensive to received opinion and taste. But trustees can claim nothing better for themselves in their own domains, and even if they could there is one clear principle in this matter; interference with freedom of thought and speech is both illegal and immoral. No one should be very much surprised that trustees sometimes wish there were a way of culling fools and lunatics and a way of displacing the simply incompetent; and there are indeed grounds for proceeding against nonfeasance, misfeasance and malfeasance. But proof is hard to come by and generally the reproof of peers and students is a better, if less speedy, corrective than procedures of separation. In the end, trustees must live with the nature of the institution they govern. It is supposed to be a battleground of ideas, and there can be no battle ground where there are no differences.

If there is one clear responsibility for trustees in this regard it is to make sure there are differences, competent disagreements, fervid confrontations.

The trouble with most colleges and universities is not at all that they are too disputatious, but that they are not disputatious enough. "Opinion," Milton said, "is but truth in the making," and trustees ought to have a sharp conscience about the provision and protection of expressions of opinion, no matter whom they offend. A great good would be accomplished were every trustees' handbook to begin with an explicit commitment to protection of academic freedom and a further commitment to encouragement of its exercise.

Even such an explicit statement, however, is not enough, because policy is more than generalization. In order to play a proper role in the making of sound academic policy, the Board of Trustees must begin by taking itself seriously, and the first place for it to do that is in the choice it makes, if it has a choice, of its members.

Ordinarily most or all college and university trustees are themselves college graduates; more often than not, they are alumni of the institution they formally govern. Those characteristics by themselves do no more than put them on about equal footing with students. They have the advantage over students, of course, of being more experienced, but they have the disadvantage of being more removed from the immediate experience of formal instruction. They remember their learning; students are undergoing it. Faculty members lie somewhere between trustees and students; their experience is richer than students' though usually more narrow than trustees', and since as teachers they are also learners their immediate contact with the learning process is both two-fold and continuous. For that reason, it seems very desirable to me -- indeed, almost essential -- that some members of every Board of Trustees should be, or should recently have been, members of the professional academic community -- teachers, research-workers, librarians, or administrators.

Clearly the presence of actual or former members of the academic community on a Board of Trustees is no panacea, but it is a good thing. And like many other good things, it should not be overdone, for the fundamental virtue of a Board of Trustees lies not in its being expert in academic affairs but in its having a sound and separate perspective on them. To be sound, however, the perspective must be an informed perspective, and solid information serves best when it is continuous and immediate, when it is not simply a report from an employee but a voice from an equal.

There are two ways to provide that continuous and immediate academic voice on the Board. The better, but more difficult to achieve, is by election or selection of academic people associated with other institutions; the other is by allotment of trustee places to faculty members elected by their peers from inside the institution itself. We are fortunate at Union to have both: two Board members who are currently members of other academic communities, two who in the past have held substantial academic posts, and two who are elected for three-year terms from the Union faculty. From my experience with them and from personal experience as an outside academic person on several Boards I can say with some assurance that the academic presence is useful. It should not, I think, be numerically strong enough to represent a majority, but as a minority it can and does make for better decisions by the Board as a whole.

It goes without saying, I suppose, that if a Board has academic members, it will use them where they can be most valuable, in whatever committee of the Board has a special responsibility for academic affairs. Not exclusively there, of course, because academic members need the perspective of the whole as much as any others. And I would make one other suggestion on the matter of committees. There is a good deal to be said for structuring the committee system so that there is a parallel between many or all Board committees and certain campus

committees. What such parallelism provides is increased possibility of a clear flow of information and argument through the chief executive officer in both directions. With us it also provides common meeting sessions at three of the four official Board meetings each year, a time-consuming process but one that is worth the time it requires. That is especially true, I think, of committees concerned with strictly academic matters, which are so susceptible, from one side, to the charge of meddling and, from the other, to the charge of special pleading.

A judiciously constituted Board and an effectively coordinated committee structure is, as I say, a starting point -- necessary but not sufficient. Beyond both lies the determination of the role for trustees in those pivotal matters of admissions, curriculum, graduation requirements, selection and retention and promotion of faculty, tenure, sabbatical and leave policy, compensation scales, and the like. In all, the role of the trustees should be policy-making, not administration, but the two are not in practice neatly divisible, simply because each feeds the other.

Consider the matter of admissions policy, to begin with. When in the early 'forties the Harvard Corporation, led and no doubt spurred by President Conant, announced its determination to make Harvard a truly "national" college, its decision produced a chain reaction throughout the college, altering not simply admissions recruitment and selection but curriculum and climate as well. When, thirty years later, the Board of Higher Education of New York City, led and perhaps also spurred in this instance by Chancellor Bowker, announced the policy of open admissions, it precipitated an even more radical series of changes. Both decisions, I might note, were opposed by considerable segments of faculty at the time, and I think it is fair to say that neither would have been made by faculty on their own at the time they were made. In both instances, as I see them, the

governing boards acted from the special perspective of those who see their responsibility as one to the public weal and to the future.

Most trustee actions in the matter of admissions will not be so grand, or so grandiose, as the two I have named, but they should have that characteristic of public- and future-mindedness. This is not at all to say that trustees should obligate their institutions to policies designed to admit all-comers or to compete with all other colleges and universities in the country. By accident or design, most colleges have some sort of "mission" -- to use the term sanctified by the new state master-plan reports, and the mission may be in some way exclusive rather than inclusive. It is only important that, in the light of that mission, change as it may from time to time, trustees should commit themselves to the policy-making that best fulfills it.

Like you I have heard tales of trustee pressure on behalf of this or that candidate, and I have even heard some trustees voice the opinion that, in return for their unselfish services, they should be able to choose a few candidates themselves. In all honesty I would have to say that, as far as the candidates are concerned, probably no great harm would be done if the pressure were successful or the pocket selections were achieved. But obviously great harm would be done to principle because what is at work in such activity is not policy but politics, and sound policy can not long survive the intrusive exercise of personal power. To use the immortal words of a couple of President Nixon's administrators, trustees should keep their cotton-pickin' hands out of the process; their talents will be fully tapped by the making of sensible policy.

At the other end of the line, there is the matter of graduation requirements. I know a fine liberal arts college, for instance, which requires tested proficiency in public speaking of all its candidates for a degree. Most students dislike the courses that lead to fulfillment of the requirement; many faculty members deplore

them as a waste of time; but the trustees stick to their conviction. The example may seem almost whimsical, but the principle involved is the same as for the requirement, or abolition, of ROTC or of a core curriculum or of courses in religion. These all have something to do with mission and with the character of the institution, and if trustees are serious about mission and character they cannot ignore them. Neither can they dictate them. What they can, and should do, is make them the subject of healthy debate, part of continuous institutional self-assessment. What happens if, after debate, trustees find themselves at loggerheads with faculty on a requirement? They may shuffle the matter off to a special consultant, of course, if they can find one whom both parties will trust and who is foolish enough to let himself be caught in the middle. But in the end the decision is one that seems to me a prerogative of trustees, if they think it really important.

Is the same to be said for the curriculum as a whole and in all its details? Clearly not. Generally speaking, trustees seldom want to get into the curricular cockpit anyway, and their reluctance is reasonable. In most cases they limit themselves to curricular decisions as they impinge on budget -- the effect of adding a program or of deleting it, the capital costs of expansion into a new branch, and so on. But anyone who has sat through interminable curriculum committee meetings is aware that faculty are themselves far from being of one mind on most curricular decisions, so this is not a matter of experts in conflict with amateurs, faculty with trustees, as far as the substance of argument is concerned. There is, however, a symbolic concern to consider, and it is important. Disagree as they may and will, the faculty need to feel that their disagreement and agreement lead somewhere; the more passionate they are in attack and defense, the more evident they make their commitment to earnestness about what they do as teachers. That is so important to the strength of an institution that trustees should intervene only when such great danger is threatened that the health of the institution itself is imperilled. Most of the violent curricular battles are teapot tempests

in any event; four or five years after they are over, not even the losers can account for their turbulence. Yet, on the whole, it is good that they occur, and it is wise for trustees to keep a decent distance from them.

Curriculum is not, of course, a self-operating business; it is taught, and teaching requires teachers, so it is obvious that any responsible concern which trustees feel for curriculum must in the end be represented by a responsible concern for the nature and welfare of the faculty body. The problem this poses is especially difficult. The average trustee does not spend more than six or eight days a year on campus; he rarely visits a classroom; and even his infrequent conversations with faculty members are likely to be punctuated by martinis. How is he to know whether or not the faculty is a good one and whether or not it is productive? Clearly he cannot and does not, except as he relies on others to inform him. He must do that, but that is not enough.

I would suggest that the most immediate way by which a trustee can satisfy himself about the quality and performance of faculty is to be attentive to conditions of employment. In the first place, he should know what good conditions for academic people are: a reasonable workload, satisfactory facilities (including office space and some clerical help), freedom from harassment, competitive salaries, a decent fringe-benefit package, reasonably reliable modes of evaluation so that merit will be rewarded. All these matters are properly the direct responsibility of administrative officers, to be sure, but trustees need to understand them and to make sure that faculty know they understand them. The present mood of militancy among faculties everywhere assures that they will not be overlooked, but I believe a good deal of the militancy would be less strident if faculty felt that trustees really understood and were really concerned about working conditions.

I have not myself yet met a trustee like the one who is reported to have asked what the teaching load was and, on being told that it was nine hours,

remarked that that seemed like a fair day's work. But I have again and again heard trustees opine that they wish all they had to do was teach nine hours a week. That is sheer ignorance -- sheer and dangerous. It matches in depth of ignorance the remark which came from the school trustee who offered me my first job. He was president and majority stock-holder in a local bank, and his annual country club dues were exactly the same as my salary. "We're paying you two hundred dollars a class to teach five classes a week," he said. "That comes to a thousand dollars a year -- pretty good for a teacher." It was 1937. I took the offer, but I haven't forgotten the remark.

The importance of working conditions is simply stated: good conditions attract good faculty because they are signs of respect as well as essential to the usefulness of faculty and their intellectual health.

While it is true that good faculty are attracted by good working conditions, it is also true that not-so-good faculty are attracted by them. Therefore trustees cannot assume that conditions will by themselves assure quality. That assurance can come in the end only from faculty and administration, but trustees have a role to play all the same.

No Board of Trustees should permit the administration to be casual about the procedures of employment, continuance, promotion and dismissal. This is a litigious time, and there are agencies aplenty to espouse the cause of people who have been denied due process or who have simply not had it made available to them. But beyond legality it is simply a matter of good management and of a clear sense of responsibility that trustees should require written codes covering every stage of the employment process. No one can spell out precisely the criteria of performance which lead to promotion, to tenure, or to merit increases in salary, but any Board can make sure that there is a rational process and that it is scrupulously followed. That will not by any means solve all personnel problems, but it certainly helps.

The toughest problems, those of faculty rank and ratios among ranks, tenu and tenure quotas require more of trustees than admonition to the administrati staff, and I therefore proceed at this point with special caution. First, let me make clear that I know of no better system of faculty selection than that by peers. By that, however, I do not necessarily mean by peers within the ins tution. By and large, the academic community in any discipline knows who is and who is not competent, and it has a generally good record of being able to detect signs of promise. But within any single institution, no matter how prestigious, peers often represent too settled and too narrow a body of opinio to render first-rate judgment. For that reason, trustees should be quick to encourage and willing to budget for processes of faculty selection and promoti particularly at critical career points, which call on opinion from outside. F fresh appointments to senior rank and for decisions on tenure, outside opinion is especially important.

Collegiate institutions are like other institutions in the respect that t often make do with what they have in the way of personnel rather than rupture personal relationships, produce embarrassment, engender political battles, and endure the painful process of forced separation. Left to their own devices, both faculty and administrators will often settle for less than they want at t point of selection and then put up with their mistakes rather than admit or co error. Meanwhile the institution suffers and the students are short-changed. Trustees who are lucky enough to have a chief administrator with a clear sense of quality and a determination to get it should support him heartily; those n so lucky should get a different one, because directly and indirectly he must i the person who keeps criteria in plain view for those who must do the choosing Faculty, I am convinced, as a whole really respect toughness on this score eve when it runs counter to opinion about a particular candidate, and more often t not they feel genuine relief when it is exercised, if it is exercised fairly, their behalf.

What, then, constitutes fairness? In the main, fairness is a matter of making rules, publicizing them, and sticking to them. But there are, of course, rules and rules, and the making is no simple matter. Four considerations, in my judgment, should govern the making of rules about the composition of faculty, and these are considerations for which trustees themselves have serious responsibility. Their relative weight may vary from institution to institution and from time to time, but taken together they ought to form a good basis for trustee policy on appointment and retention. The first, quite naturally, is quality, as much as the institutions can afford and attract. The second is renewal, by which I mean simply the assurance of a continuous flow of fresh talent into the institution. The third is flexibility -- provision such that new needs can be met as they develop. And the fourth is economy, in the radical sense of that word, getting the greatest value from the resources available.

These four considerations require a management policy for personnel, and such a policy inevitably requires a decision about ratios. In a time like this, when opportunities for academic employment are limited, such a statement sounds heartless, I know. The American Association of University Professors calls it immoral, and the teacher unions think it worse than that -- "fascistic" is one of their gentler terms. Yet I cannot for the life of me see how, <u>especially</u> in these times, an institution can hope to be good and to remain good unless it protects itself against dominance by a heavily tenured and aging faculty body. If we can learn anything from other institutions, the condition of the Civil Service and the Church should have taught us that.

Consider a steady-state scenario, since that is what we are told we shall have to deal with for the next three decades: no growth in enrollment and presumably no growth in the size of faculty body. If we take age twenty-five as the beginning and sixty-five as the retirement posts and assume the distribution of faculty to be even over the forty-year period and if we further assume no

restraints, no deaths and no other defections, we would have a two-and-a-half percent attrition every year, ten percent in four years. Obviously, there will be deaths and defections, so we might reasonably double that rate, giving a ten percent attrition every two years, if there were no restraining forces on natural flow. I would think that high enough to satisfy all four considerations I previously named and would welcome it as a substitute for quotas of any kind. But reality intrudes. To begin with, not even a large faculty body is likely to have a beautifully even age-distribution such as is assumed, for a number of reasons -- spurts in past enrollment, special conditions in some disciplines which weight entrance to and departure from faculty at one end or the other of the age-scale, even the general state of the economy which may hasten or slow movement into and out of the academy. More significant, of course, is the almost universal practice of granting career-long tenure after a brief probationary period. It is true that some faculty members move from one institution to another when opportunity beckons; on the other hand, that is part of the problem since by and large it is the better ones who move, and a system that fails to provide for their replacement by people as good runs the risk of deterioration.

The Keast report of a year back argues against quotas for tenure but suggests healthy balance; that is rather like the casuistical position of the Civil Rights Office on sex and racial balance -- no quotas but a general regulation that is achievable only by quotas of some kind.

I've been on this merry-go-round long enough to conclude that trustees can't win popular acclaim, no matter what action they take; and to conclude as well that they can't avoid the contest. They can say, "We'll take our stand on quality alone, promote and tenure on the basis of merit, and let other considerations take care of themselves." They may or may not subsequently find the institution caught by a tenured surplus in one area while another area cries out for staff. I think they will sooner or later find themselves with quality

defined in terms less useful than some fresh faculty might provide. And I'm certain that, unless they have dollars to burn, they will find themselves short of money to pay their senior qualified faculty as they should be paid. If salaries have to flatten out as a result of overloading in the upper ranks and age-groups, there will be a flight of the best to institutions that have a different policy, so maintaining balance is more than a matter of dollars.

The alternative is for trustees to say something like this: "We intend to maintain, by a careful process of evaluation, the best people we can retain, but only so many as will make it possible for us to give good younger people the prospect of tenure with respectable salaries and only so many as will protect the capacity of the institution to respond effectively to deep changes in the educational pattern." That seems to me the correct posture for responsible trustees, but I recognize that it may not be, or may not become in years ahead, a possible one.

If what lies ahead, through unionization or even through federal or state regulation, is not an up-or-out policy with a limitation on the number who can go up but a policy of retention based on the right-to-work argument, the responsibility of trustees will be no less great for the preservation of institutional health. In place of the renewal and flexibility which a steady flow of new talent helps to provide, trustees will have to provide for the creation of internal job-retraining and up-grading such as some industries have developed.

There can be no doubt that colleges and universities have been slow to think in terms of research and development as they relate not simply to particular disciplines but to the teaching process. There are reasons for that reluctance, and I am not myself optimistic about the results of an intensive R & D program. For one thing, translation from one academic field to another, even when they are related, is very difficult, especially in the upper reaches of an academic discipline. It takes years today to become even moderately competent, and it is

idle to expect that many even of the very competent can easily shift to another field and satisfy themselves -- which is tremendously important -- that they are performing well. For another, there has not yet come out of the thousands of research efforts in pedagogy much that warrants respect. Like the farmer who resisted the advice of the bright young farm agent, most teachers know how to teach better than they do already; if they had the time and the energy and the hope to do differently and better, they would do it without recourse to teacher-training. Even though I sound pessimistic -- and am -- on the score of R & D, I acknowledge that it is better than nothing and I'm quite sure that conscience will require that it be provided, at costs that will be considerable, if policies for the control of faculty spread become infeasible.

Let me say a final word, this about long-range planning. The primary responsibility in this matter lies, I think, with the administration, simply because it is at once sufficiently detached from special interests and sufficiently informed about general developments in education to be able to give the needed leadership. I am not infrequently dismayed by how little faculty members know about what is going on in higher education outside their own fields of special competence, and I am equally dismayed by the common experience with trustees of hearing the latest publicity piece in some national newspaper or magazine advanced as certain truth. Without claiming particular prescience for administrators, I do think they are more likely than others to have a sound overview of significant developments and a fairly sharp sense of what relevance those developments have to their own institution. Their job, then, becomes not so much one of doing the long-range planning themselves but of educating both faculty and trustees to what must be considered.

This process of educating lays on trustees some responsibility not to rely on the minimal and often distorted information provided by the public press. They ought to be ready to read reports or, at least, summaries of reports coming

from educational commissions. And they ought to spend at least as much time on the internal reports coming from their institution as they would spend on a marketing report from corporation headquarters. This is part, an important part, of their obligation to have an informed perspective from which to consider the decisions that come up to them through committees and administrative officers.

An informed perspective is, in sum, the key to the role trustees should play in college and university affairs, whether the matter is an academic one or not. It is especially important in academic matters, however, because it is on them that their authority is most likely to be challenged. We are fond of saying that war is too serious a business to be left to the generals. If that statement is properly understood, I think that it is sound and that it exemplifies a sound general principle. But the general principle is sound only if the civilians -- the trustees, in the case of a college or university -- know enough to respect the experts without becoming captive to their point of view. Trustees must indeed be accountable to faculty, in ways I have tried to make specific here, but they must also be accountable to others, and that second accountability is one they can't satisfactorily perform unless they accept the work that goes with it and the often unpleasant decisions it entails. If they do, they have indeed an important role to play in the academic affairs of the institution, and they should not permit any argument about exclusive domain to deter them from playing it.